

06 JAN 2009



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In re Application of :
TALLBERG, Thomas :
U.S. App. No.: 10/575,752 :
PCT No.: PCT/FI04/00618 :
Int. Filing Date: 15 October 2004 :
Priority Date: 17 October 2003 :
Attorney Docket No.: U0162616 :
For: AGENT AND METHOD FOR TREATING :
CANCER COMPRISING STRONTIUM, :
AMINO ACID(S) AND MINERAL :
AGENT(S) :

DECISION ON REQUEST

This decision is issued in response to applicant's Request for Corrected Filing Receipt filed 21 August 2008. Applicant requests, treated herein under 37 CFR 1.10(c), that the above-identified application is accorded a 35 U.S.C. 371(c) filing date of 12 April 2006.

BACKGROUND

On 12 April 2006, applicant filed a transmittal letter for entry into the national stage in the United States, which accompanied by, inter alia: the requisite basic national fee as required by 35 U.S.C. 371(c)(1); a copy of the international application; and an executed declaration.

On 31 October 2006, a Notification of Acceptance was issued identifying the 35 U.S.C. 371(c) date as 13 April 2006. Subsequently, an Official Filing Receipt was issued indicating a "FILING DATE" of 13 April 2006.

On 24 November 2006, applicant filed a "Request for Corrected Filing Receipt." In a decision dated 23 June 2008, applicant's request was dismissed without prejudice.

On 21 August 2008, applicant filed a renewed request.

DISCUSSION

Applicant requests a corrected filing date or 35 U.S.C. 371(c) date from 13 April 2006 to 12 April 2006. The actual filing date of the present application is the international filing date, i.e., 15 October 2004 (see 35 U.S.C. 363). The date in the filing date portion on

the filing receipt of a national stage application is the date upon which the requirements set forth in 35 U.S.C. 371(c) for entry into the national stage were completed, see MPEP §1895.01

A copy of the Customer Copy of the "Express Mail" label No.#EV815583741US filed with the petition bears a "Date In" date of 12 April 2006. The same "Express Mail" label number was placed on the transmittal letter for entry into the national stage in the United States and accompanying papers located in the application file, but was date stamped as received in the PTO on 13 April 2006.

Pursuant to 37 CFR 1.10 (c), the promptly presented evidence is convincing that transmittal letter for entry into the national stage in the United States and accompanying papers were filed on 12 April 2006. Thus, the application met the requirements of 35 U.S.C. 371(c) and thus entered the national stage in the United States on 12 April 2006, and therefore the indication of a filing date or 35 U.S.C. 371(c) date of 13 April 2006, on the NOTIFICATION OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C. 371 and the Official Filing Receipt are incorrect.

CONCLUSION

Applicant's request for issuance of a corrected filing receipt under 37 CFR 1.10(c) is GRANTED.

The Notification of Acceptance of Application Under 35 U.S.C. 371 and 37 CFR 1.494 or 1.495 (Form PCT/DO/EO/903) and Official Filing Receipt are hereby VACATED.

The National Stage Processing Branch of the International Division will be instructed to issue a corrected Notification Of Acceptance (Form PCT/DO/EO/903) identifying the 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) date as 12 April 2006 and a corrected filing receipt which identifies 12 April 2006 as the filing date.

Thereafter, this application will be referred to its appropriate Art Unit.



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